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## REMARKS

### *Introduction*

- 5 Applicants have amended claims 1, 3, 7, 16, 18, 21.  
Applicants have added claims 27 — 80.  
Claims 1 — 80 are now pending in the application.  
There are 7 independent claims: they are claims 1, 7, 16, 18, 21, 41  
and 61.
- 10 Typographical errors were corrected in claims 3 and 21.

### *Information Disclosure Statement*

Applicants are also submitting an Information Disclosure Statement  
with this Office Action Response.

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### *Amendment*

Claim 3 has been amended to correct a typographical error, changing  
"spine" to "spines". This amendment was only made to correct a  
typographical error, and not to overcome any piece of prior art.

- 20 Claim 21 has also been amended to correct a typographical error,  
changing "spine" to "spines". This amendment was only made to correct a  
typographical error, and not to overcome any piece of prior art.

### *Rejection under 35 USC §102 - Motz, US Patent 6,094,860*

- 25 The examiner has rejected claims 1 — 6, 8 and 10 — 15 as being  
anticipated by U.S. Patent 6,094,860, granted to Motz et al (Motz).

Applicants have amended claim 1. Support for the amendment to  
claim 1 is found in paragraphs 15 and 17. No new matter is added by the  
amendment to claim 1.

- 30 Applicants believe that Motz does not teach all of the elements of  
amended claim 1: "relatively stiff spines" that "can hold landscape material".  
Applicants also note that at column 10, line 22, and at column 4, line 8, that  
Motz teaches an upper fill layer 24 or layer of growth media such as sand  
(See figure 1 of Motz) that supports the bottom portions of the generally  
35 upright fibers.

1 Applicants note that claim 1 is an independent claim and all of the  
other claims rejected by the examiner on the basis of Motz, depend from  
claim 1. Applicants believe that for the reasons stated above the dependent  
claims of amended claim 1 are allowable over Motz; however, for the  
5 reasons stated below, Applicants also take issue with the rejections of the  
following dependent claims.

Applicants respectfully disagree with the examiner's rejection of claim

2. The examiner has not shown that Motz teaches a structure where a  
substantial number of the distal ends of the spines do not touch other spines.

10 Applicants respectfully disagree with the examiner's rejection of claim

3. The examiner has not shown that Motz teaches a structure where "the  
distal portions of the spines have a designated width and the spaces  
between the distal portions of adjacent spines is substantially greater than  
the width of the spines."

15 Applicants respectfully disagree with the examiner's rejection of claim

6. The examiner has not shown that Motz teaches that the "elongated distal  
portions of said spines are generally directed in a similar direction."

Applicants respectfully disagree with the examiner's rejection of claim

11. The examiner has not shown that Motz teaches that the "distal portions  
20 of the spines are curled."

Applicants respectfully disagree with the examiner's rejection of claim

12. The examiner has not shown that Motz teaches that "the distal portions  
of the spines are angled nearly parallel to the lower support structure."

Applicants respectfully disagree with the examiner's rejection of claim

25 13. The examiner has not shown that Motz teaches a landscape fabric  
material that substantially blocks the transmission of light.

Applicants respectfully disagree with the examiner's rejection of claim

14. The examiner has not shown that Motz teaches a lower support  
structure that does not block the transmission of sunlight.

30 Applicants respectfully disagree with the examiner's rejection of claim

15. The examiner has not shown that Motz teaches a plurality of strips that  
carry the spines. As at column 12, line 8 of Motz, Motz discusses "tufting"  
as a means of fiber securing the spines, but does not appear to mention  
strips.

35 For the reasons stated above, Applicants request that the examiner  
remove the rejection of claims 1 — 6, 8, and 10 — 15 on the basis of Motz.

1 *Rejection under 35 USC §102 - Visser, US Patent 3,517,514*

The examiner has rejected claims 1 — 6, 8 and 13 — 15 as being anticipated by U.S. Patent 3,517,514, granted to Visser (Visser).

5 As noted above, Applicants have amended claim 1. Support for the amendment to claim 1 is found in paragraphs 15 and 17. No new matter is added by the amendment to claim 1.

Applicants believe that Visser does not teach all of the elements of amended claim 1: "relatively stiff spines" that "can hold landscape material". Applicants also note that at column 2, line 53, that Visser teaches bundles of  
10 long loose fibers.

Applicants note that claim 1 is an independent claim and all of the other claims rejected by the examiner on the basis of Visser, depend from claim 1. Applicants believe that for the reasons stated above the dependent claims of amended claim 1 are allowable over Visser; however, for the  
15 reasons stated below, Applicants also take issue with the rejections of the following dependent claims.

Applicants respectfully disagree with the examiner's rejection of claim  
2. The examiner has not shown that Visser teaches a structure where a substantial number of the distal ends of the spines do not touch other spines.

20 Applicants respectfully disagree with the examiner's rejection of claim  
3. The examiner has not shown that Visser teaches a structure where "the distal portions of the spines have a designated width and the spaces between the distal portions of adjacent spines is substantially greater than the width of the spines."

25 Applicants respectfully disagree with the examiner's rejection of claim  
4. The examiner has not shown that Visser teaches spines with distal portions that are disposed at an acute angle to the lower support structure.

Applicants respectfully disagree with the examiner's rejection of claim  
6. The examiner has not shown that Visser teaches that the "elongated  
30 distal portions of said spines are generally directed in a similar direction", especially since Visser teaches long, loose fibers.

Applicants respectfully disagree with the examiner's rejection of claim  
13. The examiner has not shown that Visser teaches a landscape fabric material that substantially blocks the transmission of light.

1 Applicants respectfully disagree with the examiner's rejection of claim  
14. The examiner has not shown that Visser teaches a lower support  
structure that does not block the transmission of sunlight.

Applicants respectfully disagree with the examiner's rejection of claim  
5 15. The examiner has not shown that Visser teaches a plurality of strips  
that carry the spines.

For the reasons stated above, Applicants request that the examiner  
remove the rejection of claims 1 — 6, 8, and 13 — 15 on the basis of  
Visser.

10 *Allowable Subject Matter*

Applicants would like to thank the examiner for indicating that claims  
7, 9, and 16 — 26 would be allowable if rewritten in independent form.

New Claims

15 No new matter has been added to the new claims. Support for new  
claim 39 is found at paragraph 71 of the specification as originally filed.  
Support for new claim 40 is found at paragraph 75 of the specification as  
originally filed. Support for new claim 41 is found at paragraph 62 of the  
specification as originally filed. Support for new claim 61 is found at  
20 paragraphs 25 and 93 of the specification as originally filed.

*Conclusion*

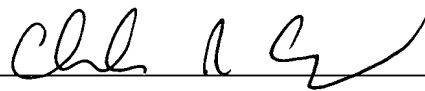
In view of the above, applicants submit that the claims in the  
application are in condition for allowance. Additional examination is  
25 requested, and allowance of the claims at an early date is solicited.

Applicants' attorney would be happy to answer any questions the  
examiner may have regarding this application by phone at 510 832 4111.

Respectfully submitted,

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Enclosures:

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Transmittal Form (1 page)

Fee Transmittal (1 page)

Office Action Response (31 pages) with appendix of  
Annotated Drawing Sheets Showing Changes, 2 pages)

Replacement Drawings (2 pages)

Information Disclosure Statement (2 pages)

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PTO Form PTO/SB/8A (1 page)

References (2 references)

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## **DRAWING AMENDMENTS**

Applicants respectfully request amendment of figures 6B and 8C.

Replacement sheets, containing the figures to be amended and so  
5 labeled, are presented herewith.

Annotated sheets showing changes are also attached as an appendix  
to this amendment.

Applicants request amendment of figure 6B to change: reference  
number 11, to reference number 311; reference number 12, to reference  
10 number 312, reference number 13, to reference number 313; reference  
number 14, to reference number 314, as described in the specification at  
paragraph 69.

Applicants request amendment of figure 8C to change reference  
number 82 to 81, as described in the specification at paragraph 95.

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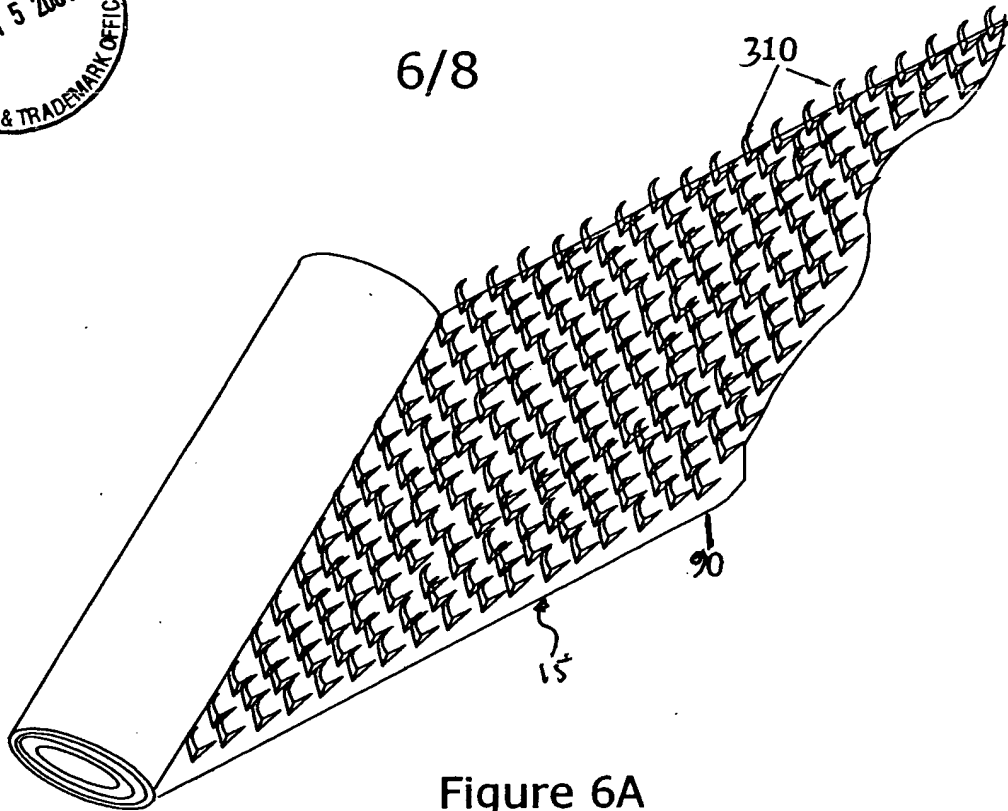


Figure 6A

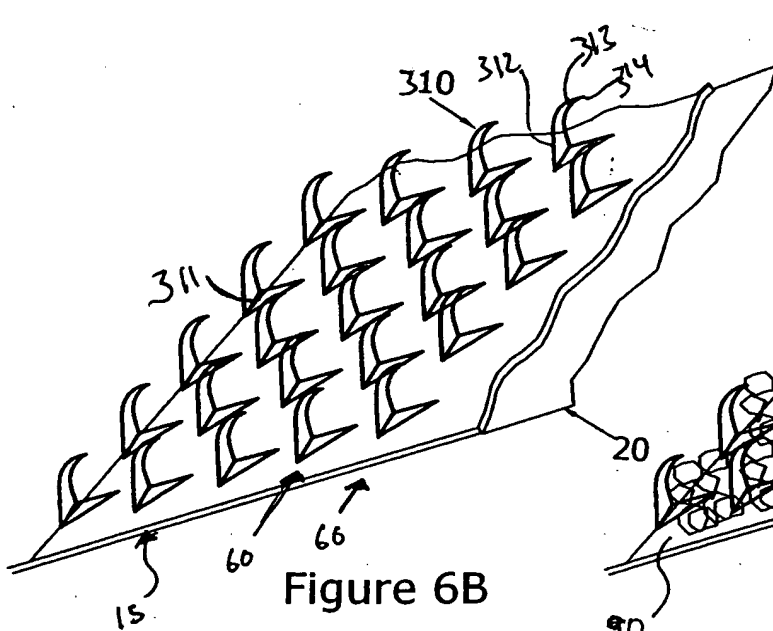


Figure 6B

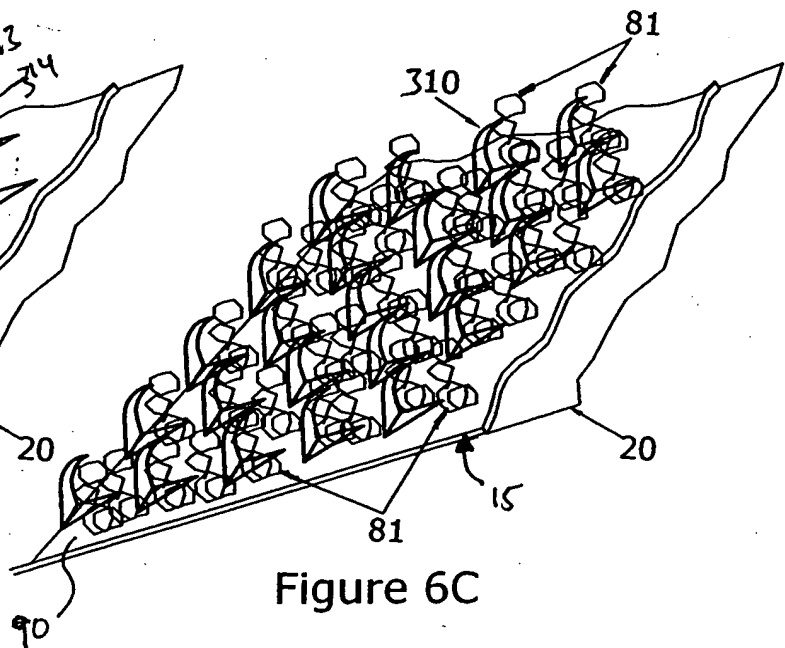


Figure 6C

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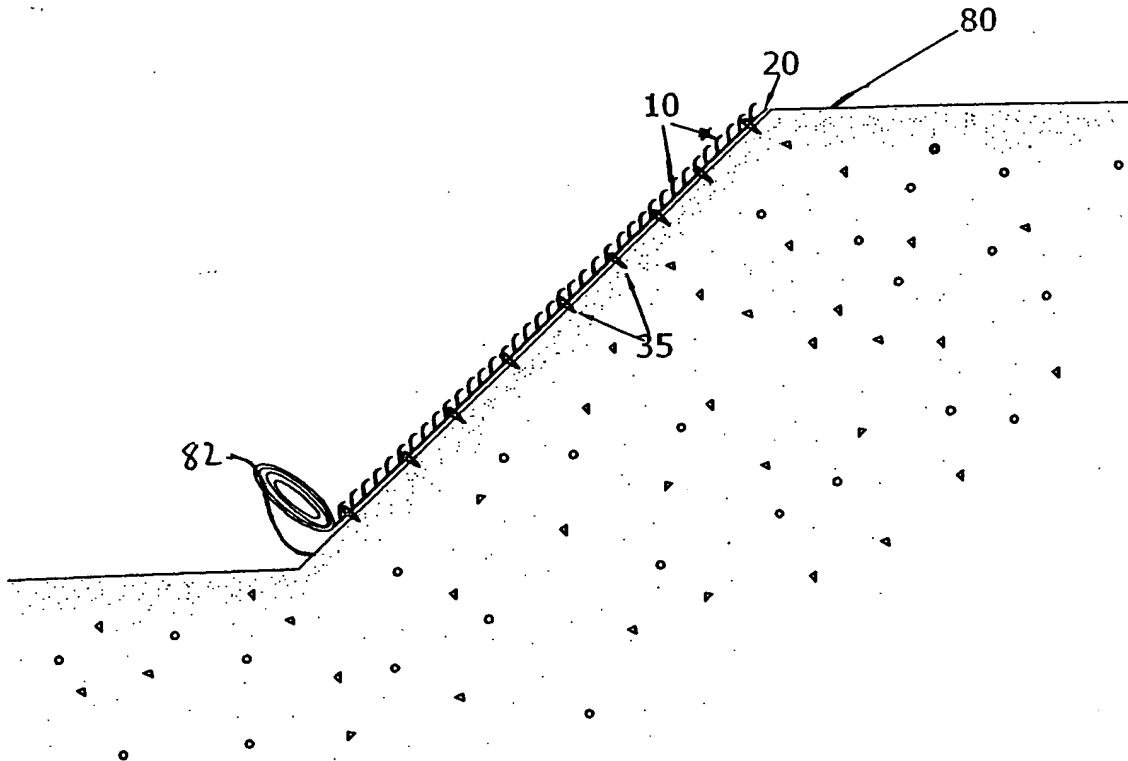


Figure 8A

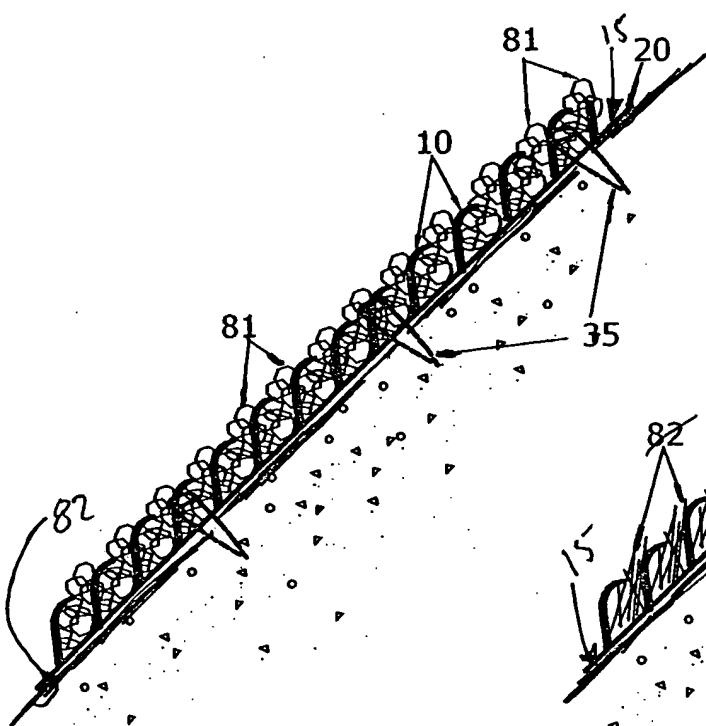


Figure 8B

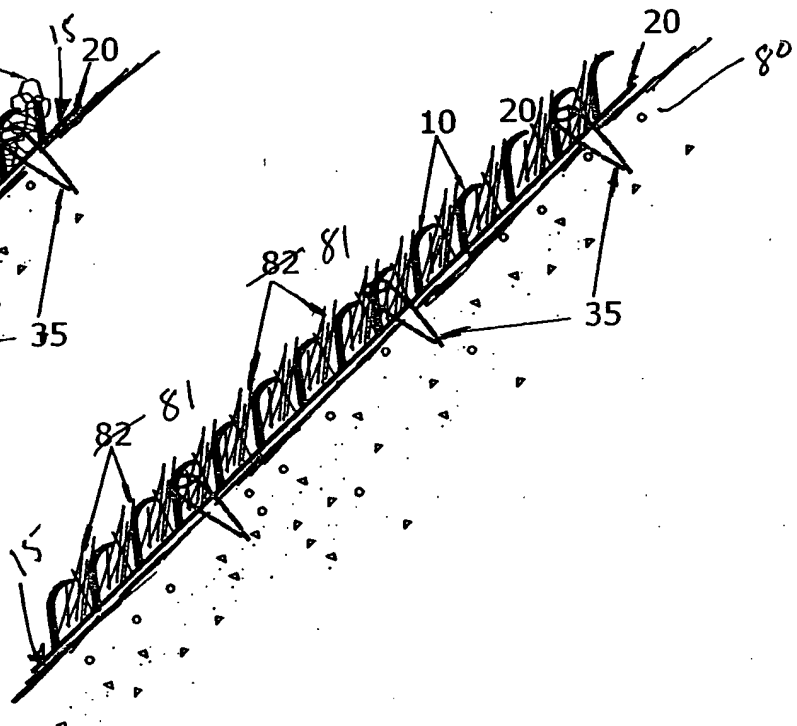


Figure 8C